

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO (ALBUQUERQUE)**

IN RE:

Richard Raoul Becker

Debtor

Case No. 11-10756-s7

DEFAULT ORDER GRANTING RELIEF FROM STAY
(4321 East Everett Drive, Phoenix, AZ 85032)

This matter comes before the Court on the Motion for Relief from Stay (“Motion”) filed on 3/29/2011, by Wells Fargo Home Mortgage (“Movant”).

The undersigned counsel for Movant certifies under penalty of perjury that on 4/19/2011, McCarthy & Holthus, LLP accessed and conducted a search of the data banks of the Department of Defense Manpower Data Center (DMDC), and found that the DMDC does not possess any information indicating that Richard Raoul Becker is currently on active military duty of the United States of her allies.

The Court, having reviewed the record and considered the Motion, and being sufficiently advised, FINDS: that the undersigned counsel for Movant represents that (a) on 3/29/2011, Movant served the Motion and Notice (“Notice”) of the Motion by United States first class mail in accordance with Bankruptcy Rule 7004, made applicable to service of this Motion by Bankruptcy Rule 9014, on the Debtor, counsel of record for the Debtor, case Trustee (the “Trustee”) and all interested parties, (b) the Notice specified an objection deadline of twenty one days from the date of mailing of the Notice, to which three days is added under Bankruptcy Rule 9006(f); (c) the notice given of the Motion was sufficient in form and content; (d) the objection deadline, including three days added

under Bankruptcy Rule 9006(f), expired on 4/19/2011, and the undersigned counsel certifies that as of 4/20/2011, neither the Debtor, the Trustee or any other interested party has filed an objection to the Motion; and (e) the Motion is well taken and should be granted as provided herein. It is, therefore,

ORDERED:

1. Movant and any and all holders of any liens against the Property (defined below), pursuant to 11 USC§362 (a); hereby are granted relief from the automatic stay:

- (a) To enforce their rights in the Property, including foreclosure of liens, under the terms of any prepetition notes, mortgages, security agreements and/or other prepetition agreements to which the Debtor is a party by commencing or proceeding with appropriate action against the Debtors and/or the Property in any court of competent jurisdiction; and

- (b) To exercise any other right or remedy available to Movant under law or equity with respect to the Property.

2. The Property consists of:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

LOT THREE HUNDRED NINETY SEVEN (397), THE COVEY UNIT 8, ACCORDING TO BOOK 254 OF MAPS, PAGE 35, RECORDS OF MARICOPA COUNTY, ARIZONA.

Also known as 4321 East Everett Drive, Phoenix, AZ 85032.

3. The automatic stay is not modified to permit any act to collect any amounts as an individual liability of the Debtor. Movant may name the Debtor as

defendants in litigation to obtain an *in rem* judgment and exercise any right to repossess the Property in accordance with applicable nonbankruptcy law.

4. The terms of this order do not waive Movant's claim against the estate for any deficiency owed by the Debtor to Movant after any foreclosure sale or other disposition of the Property.



HONORABLE JAMES S. STARZYNSKI
United States Bankruptcy Judge

Date entered on docket: April 22, 2011

RESPECTFULLY SUBMITTED BY:

/s/ Matthew Silverman #24751

MCCARTHY HOLTHUS LEVINE

Matthew A. Silverman, NM Bar #24751

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DEBTOR'S COUNSEL

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DEBTOR

Richard Raoul Becker

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TRUSTEE

Clarke Coll

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Roswell, NM 88202

US TRUSTEE

P.O. Box 608

Albuquerque, NM 87103-608

SPECIAL NOTICE

Wells Fargo Home Mortgage

8480 Stagecoach Circle

Frederick, MD 21701